

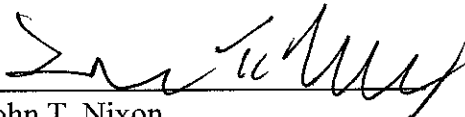


income, or income credited to the petitioner's inmate trust fund account for the preceding month, but only when his monthly income exceeds ten dollars (\$10.00). Payments shall continue until the \$350.00 filing fee has been paid in full to the Clerk of Court as prescribed by 28 U.S.C. § 1914(a) 28 U.S.C. § 1915(b)(2)

As provided in the Memorandum entered contemporaneously herewith, the petitioner's complaint is **DISMISSED** as frivolous 28 U.S.C. §§ 1915(e)(2)(B)(i); 1915A(b)(1). Dismissal of this action shall constitute a "strike" under 28 U.S.C. § 1915(g). Because an appeal from the judgment rendered herein would **NOT** be taken in good faith, the petitioner is **NOT** certified to pursue an appeal from this judgment *in forma pauperis* 28 U.S.C. § 1915(a)(3); *Coppedge v United States*, 369 U.S. 438, 444-46 (1962). Nevertheless, should the petitioner decide to file a notice of appeal, he either must pay the Clerk of Court the full appellate filing fee of four hundred fifty-five dollars (\$455.00), or submit a new application to proceed *in forma pauperis* with a certified copy of his inmate trust account statement for the six (6) month period preceding the filing of his notice of appeal. 28 U.S.C. §§ 1915(a)(1) and (a)(2); *McGore v Wrigglesworth*, 114 F.3d 601, 605 (6<sup>th</sup> Cir. 1997).

The Clerk is **DIRECTED** to send a copy of this Order to the Warden at FCI Forrest City to ensure that the custodian of the petitioner's inmate trust fund account complies with the portion of the Prison Litigation Reform Act that pertains to the payment of filing fees.

It is so **ORDERED**.

  
John T. Nixon  
Senior United States District Judge